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12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14  
 15 DENNIS MONTGOMERY and the  
 MONTGOMERY FAMILY TRUST,

16 Plaintiffs,

17 vs.

18 ETREPPID TECHNOLOGIES, LLC, WARREN  
 19 TREPP, and the UNITED STATES  
 DEPARTMENT OF DEFENSE,

20 Defendants.  
 21

22 AND RELATED CASES.  
 23

) Case No. 3:06-CV-00056-PMP-VPC  
 ) BASE FILE

) (Consolidated with Case No. 3:06-CV-  
 ) 00145-PMP-VPC)

) **MOTION OF LINER GRODE STEIN**  
 ) **YANKELEVITZ SUNSHINE**  
 ) **REGENSTREIF & TAYLOR LLP TO**  
 ) **WITHDRAW AS COUNSEL OF**  
 ) **RECORD FOR EDRA D. BLIXSETH**  
 ) **AND OPSRING LLC**

1 Pursuant to District of Nevada Local Rule 10-6, Liner Grode Stein Yankelevitz Sunshine  
2 Regenstreif & Taylor LLP (the "Liner Firm"), and each attorney that has appeared for the Liner  
3 Firm, move this Court for an order granting leave to withdraw as counsel of record for Counter-  
4 defendants Edra D. Blixseth ("Ms. Blixseth") and Opspring LLC ("Opspring").

5 I.

6 **LEAVE TO WITHDRAW SHOULD BE GRANTED**

7 Dennis Montgomery ("Montgomery") and the Montgomery Family Trust (the "Trust") filed  
8 the within Complaint on January 31, 2006. Attorneys for the Liner Firm were first admitted *pro*  
9 *hac vice* on August 14, 2007 to represent Montgomery and the Trust. Ms. Blixseth and Opspring  
10 were named as Counter-defendants in a Counter claim filed on January 11, 2008. On January 22,  
11 2008, the Liner Firm entered an appearance on behalf of Ms. Blixseth and Opspring.

12 On or about November 19, 2008, Ms. Blixseth and Opspring executed a settlement  
13 agreement with Counter-claimants Warren Trepp and eTreppid Technologies LLC (the "eTreppid  
14 Parties"), which resolved all of the Counter-claims pending against Ms. Blixseth and Opspring.  
15 (Declaration of Ellyn S. Garofalo ("Garofalo Decl."), ¶ 2.) Pursuant to the terms of the settlement,  
16 on December 11, 2008, Confessions of Judgment were entered against Ms. Blixseth and Opspring  
17 and in favor of Counter-claimants Warrant Trepp and eTreppid Technologies, LLC. (Docket # 897  
18 and # 898.) On February 19, 2009, the Court entered an Order dismissing all Claims and Counter-  
19 claims in this matter. (Docket # 962.)

20 There is good cause to allow the Liner Firm to withdraw as counsel for Ms. Blixseth and  
21 Opspring. As noted, judgments have been entered and all Claims and Counter-claims have been  
22 dismissed. The thirty-day deadline for appeal has expired. Fed. R. App. Proc. 4(a)(1).  
23 Accordingly, this matter has been concluded and Ms. Blixseth and Opspring will not be prejudiced  
24 by the Liner Firm's withdrawal. Only post-judgment collection proceedings remain. In this  
25 regard, on March 26, 2009, Ms. Blixseth filed a voluntary Chapter 11 petition in the United States  
26 Bankruptcy Court for the District of Montana. (Garofalo Decl., ¶ 3, Exhibit A.) Accordingly, all  
27 proceedings are automatically stayed as to Ms. Blixseth and all post-judgment collection  
28 proceedings are within the jurisdiction of the Bankruptcy Court. Consequently, allowing the Liner

1 Firm to withdraw as counsel for Ms. Blixseth and Opspring in this matter, will have no material  
2 adverse affect upon the interests of either Ms. Blixseth or Opspring.<sup>1</sup>

3 **II.**

4 **CONCLUSION**

5 For the foregoing reasons, there is good cause to grant the Liner Firm's motion for leave to  
6 withdraw as counsel of record for Ms. Blixseth and Opspring in this matter. Ms. Blixseth's last  
7 known address is 42-765 Dunes View Rd., Rancho Mirage, CA 92270-4311. (Garofalo Decl.,  
8 ¶ 4.) Opspring's last known address is 600 106th Avenue NE, Suite 210, Bellevue, Washington,  
9 98004-5045. (*Id.*) Both Ms. Blixseth and Opspring have been served with this motion. (*Id.*)

10  
11 Dated: April 17, 2009

Respectfully submitted,

12 LINER GRODE STEIN YANKELEVITZ  
13 SUNSHINE REGENSTREIF & TAYLOR LLP

14 By: /s/ Ellyn S. Garofalo

15 Ellyn S. Garofalo  
16 Attorneys for DENNIS MONTGOMERY and  
17 the MONTGOMERY FAMILY TRUST

18  
19 **IT IS SO ORDERED**

20   
21 **U.S. MAGISTRATE JUDGE**

22 DATED: April 20, 2009

23  
24  
25  
26  
27 <sup>1</sup> Under the circumstances, this motion is probably unnecessary. It is, however, being filed in an  
28 abundance of caution.

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of the Law Offices of Liner Grode Stein Yankelevitz Sunshine Regenstreif & Taylor LLP, and that on April 17, 2009, I caused to be served the within document described as **MOTION OF LINER GRODE STEIN YANKELEVITZ SUNSHINE REGENSTREIF & TAYLOR LLP TO WITHDRAW AS COUNSEL OF RECORD FOR EDRA D. BLIXSETH AND OPSPRING LLC** on the interested parties in this action as stated below:

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8 ☒ **[ELECTRONIC]** By filing the document(s) electronically with the U.S. District Court and  
9 therefore the court's computer system has electronically delivered a copy of the foregoing  
10 document(s) to the persons listed above at their respective email address.

11 I declare under penalty of perjury under the laws of the State of California and the United  
12 States of America that the foregoing is true and correct.

13 Executed on April 17, 2009, at Los Angeles, California.

14 Ellyn S. Garofalo  
15 (Type or print name)

16 /s/ Ellyn S. Garofalo  
17 (Signature)